

Remarks/Arguments

In an Advisory Action mailed on November 23, 2005, the Examiner indicated that the Request for Reconsideration was considered but did not place the application in condition for allowance because "Applicant argues that Claim 1 Claims: 'a crop lift auger where the driven end is the first end of the crop lift auger wherein the first end is also the forward end as related to a forward direction of travel.' However, this assertion is incorrect. Claim 1 does not set forth first end's position in relation to the forward direction of travel."

By this paper, Applicant amends Claims 1 and 12 with the addition of the language wherein the first end of the crop lifter auger is the forward end as related to a forward direction of travel, has canceled Claim 2 and has amended Claim 3 to depend on Claim 1.

Thus, this Amendment overcomes the Examiner's rejection of Claims 1 and 12 under 35 U.S.C. § 102(b) as being anticipated by German Patent No. 32 31 953 A1 by Leposa et al. in an Office Action mailed on August 9, 2005, as well as the Examiner's continued rejection in the Advisory Action.

As stated previously in the Applicant's Request for Reconsideration, Leposa does not disclose a crop lift auger where the driven end is the first end of the crop lift auger wherein the first end is also the forward end as related to a forward direction of travel.

This difference is critical. The advantage of having the crop lift auger driven and movably mounted on the first end, and capable of being fixedly mounted in different positions on the second end, where the first end is the forward end as related to a forward direction of travel allows for adjustment of the crop lift auger from one position to another without the need to adjust the drive means. This is stated in the Specification, paragraph 0017:

The altitude of the rear end of the crop lifter auger 44 can be freely adjusted for given harvesting conditions by loosening a holding device (e.g. a cotter pin, nut, eccentric lever, or screw), adjusting the altitude of the mount 64, and then re-fixing the holding device to the frame 12. When this is done, it is unnecessary to also adjust the drive means,

because the arrangement of the gear drive 50 provides the necessary adjustment automatically.

This advantage is nowhere shown or suggested in the prior art of record and is a novel and nonobvious improvement to the design of crop lift augers. Therefore, the Applicant respectfully requests the Examiner's reconsideration and allowance of Claims 1 and 12.

Additionally, Office Action mailed on August 9, 2005, the Examiner has rejected Claims 2-9 and 11 under 35 U.S.C. § 103(a) as being obvious over Leposa and Claim 10 under 35 U.S.C. § 103(a) as obvious over Leposa in view of US Patent No. 3,451,200 to Phares. Since Claim 2 has been canceled and Claims 3-11 depend on a patentable base claim they are also patentable and the Applicant respectfully requests the Examiner's reconsideration and allowance of Claims 3-11.

Finally, Office Action mailed on August 9, 2005, the Examiner indicated that Claims 13-15 are objected to as being dependent on a rejected base claim. Since Claims 13-15 depend on a patentable base claim they are also patentable and the Applicant respectfully requests the Examiner withdraw his objection of Claims 13-15 and that allowance of Claims 13-15 be granted.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,



Attorney for Applicant(s)

Mark D. Weis
Reg. No. 48,826
Patent Department
Deere & Company
One John Deere Place
Moline, IL 61265
Telephone No. (309) 765-5867

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
on: 21 December 2005

Date

Deere & Company
Laurie McKay 21 December 2005
Signature Date